

REMARKS/ARGUMENTS

Claims 1-81 are presently pending and stand substantively rejected. In this Amendment, claims 1-13, 65-72, 75-77, and 79 are canceled, and claims 30, 35, 62, 73, 80, and 81 are amended.

Applicants' representative thanks the Examiner for the courtesies extended during a phone conference on April 25, 2007. Applicants emphasize that this Amendment cancels the claims rejected under 35 U.S.C. §102(b), and submit the application is now in condition for allowance. Reconsideration of the claims is respectfully requested. The paragraph numbering below follows that of the Office Action.

Claim Amendments

Support for the amendments to claims 30, 80, and 81 can be found in the specification at, for example, paragraphs [0139], [0266], and [0267]. Claims 30, 35, and 62 are amended to address formalities. Claim 73 is rewritten in independent form. No new matter is introduced.

Rejection Under 35 U.S.C. §101

¶2. Claims 30-35 and 79-81 were rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. This rejection is traversed. Amended claim 30 recites an optimizer module, and amended claims 30, 80, and 81 recite tangible media embodying machine-readable code. Claim 79 is canceled. Withdrawal of this rejection is respectfully requested.

Double Patenting

¶4. Claims 1-81 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being allegedly unpatentable over claims 1-8 of co-pending Application No. 11/134,630 (Attorney Docket No. 018158-022250US). The provisional rejection is acknowledged.

Rejection Under 35 U.S.C. §112

¶6. Claims 35 and 62 were rejected as allegedly indefinite under 35 U.S.C. §112, second paragraph. This rejection is traversed. Amended claim 35 recites "the optimizer module"

and antecedent basis is found in amended claim 30 from which it depends. Amended claim 62 recites "the defined prescription shape" and antecedent basis is found in amended claim 59 from which it depends. Withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §102

¶8. Claims 1-13, 65-72, 75-77, and 79 were rejected under 35 U.S.C. §102(b) as allegedly unpatentable over U.S. Patent No. 5,002,384 to Trachtman ["Trachtman"]. This rejection is traversed. Although Applicants disagree with the Office Action and maintain that these claims are novel in view of Trachtman, in the interest of expediting prosecution Applicants have canceled claims 1-13, 65-72, 75-77, and 79, while reserving the right to pursue these claims in a continuation application. This rejection is now moot.

Allowed Claims

¶9. Applicants acknowledge the Examiner's allowance of claims 14-29 and 36-64.

¶10. Applicants understand that the Office Action may have intended to include claim 73 with this objection of claim 74. Amended claim 73 is rewritten in independent form. Claim 74 remains dependent from claim 73.

¶11. Applicants understand that the Office Action may have intended to include claim 75 in the §102 rejection. Claim 75 is canceled.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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